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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,811	01/22/2001	Michele Crudele	GB920000068US1	2817

35060 7590 12/22/2004

THE LAW OFFICE OF IDO TUCHMAN
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FOREST HILLS, NY 11375

EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/766,811

Applicant(s)

CRUDELE ET AL.

Examiner

Tuan A Vu

Art Unit

2124

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

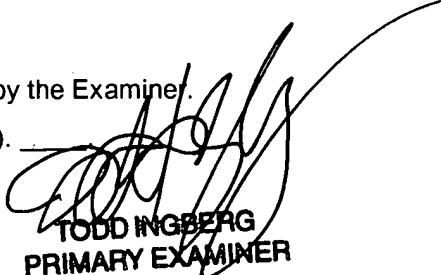
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-12.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: attached is a PTO-892 supplemental


TODD INGBERG
PRIMARY EXAMINER

Continuation of 2. NOTE: First, to clarify on a online reference against which Applicant has raised doubts on publication date, Examiner now submits a page listing all the links leading to the exact copy of SmartUpdate antedating 7/15/2000. It only suffices that Applicant click on the appropriate link and Applicant would be able to see that the reference has been available online since it was updated in 3/1999. Also provided in a copy of a version dated June 15 2000, an identical to that which has been provided w/ the last office action. Second, claim 1 stands rejected as a result from a correct publication date; and the new claims require further search and consideration. Third, most arguments on claims 6-9 stand rejected because of the following:.

Fourth, Applicant's argument (re claim 6) that Mishra does not teach package containing files in hierarchical structure are not convincing and at least requires further consideration.

Fifth, on providing evidence of an graphical interface for editing package, there are USPN 6014666, Fig.4; USPN 6345386, Fig. 3; USPN 6473794, Fig. 21; and on providing evidence on streaming packages, Collins @ Fig. 6; USPN 6161218 are evidences.

Sixth, on Collins and Mishra not disclosing stanzas, both are teaching installation programs and installation instruction sequences in such programs are interpreted as stanza; hence even if Applicant might have some points, these are not convincing as of now and require further investigation

As a whole, the claims are not in condition for allowance and are not entered

Note: Submitted with this action are reference form PTO-892 includig a search results from a archive srch tool.



TODD INGBERG
PRIMARY EXAMINER